

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JIMMY LEE DAVIS,

Plaintiff,

vs.

UNITED STATES,

Defendant.

Case No.: 12-CV-01057 YGR

ORDER ADOPTING MAGISTRATE JUDGE'S
RECOMMENDATION; DISMISSING COMPLAINT
WITH PREJUDICE

The Court has reviewed *Pro Se* Plaintiff Jimmy Lee Davis's Complaint, Dkt. No. 1, Plaintiff's Motion for Leave to Proceed *in Forma Pauperis*, Dkt. No. 3, and Magistrate Judge Nathanael Cousins' Referral With Recommendation to Dismiss Complaint With Prejudice, Dkt. No. 5, to which no party filed an objection.

Judge Cousins recommends that Plaintiff's Complaint, which seeks reparations from the United States for condoning slavery, be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B) because it is frivolous, fails to state a claim upon which relief can be granted, and seeks monetary relief against a defendant who is immune from such relief. Moreover, Judge Cousins recommends that dismissal be with prejudice because the deficiencies in Plaintiff's Complaint cannot be cured by amendment as the claim is time-barred, fails to identify any cognizable legal basis, and seeks monetary relief from the United States, which is immune from suit.


The Court finds the Report correct, well-reasoned and thorough, and adopts it in every respect.

Accordingly, and for the reasons set forth in the Recommendation, Plaintiff's Motion for Leave to Proceed *in Forma Pauperis*, Dkt. No. 3, is **GRANTED** and Plaintiff's Complaint is **DISMISSED WITH PREJUDICE**.

This Order Terminates Docket Number 3.

IT IS SO ORDERED.

Date: July 12, 2012


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE